

§ 925.304 California Desert Grape Regulation 6.

During the period April 20 through August 15 each year, no person shall pack or repack any variety of grapes except Emperor, Almeria, Calmeria, and Ribier varieties, on any Saturday, Sunday, Memorial Day, or the observed Independence Day holiday, unless approved in accordance with paragraph (e) of this section, nor handle any variety of grapes except Emperor, Calmeria, Almeria, and Ribier varieties, unless such grapes meet the requirements specified in this section: *Provided*, That for the 1987 season, July 6, 1987, shall be substituted for July 3, 1987, as the Independence Day packing holiday.

(a) *Grade, size, and maturity.* Except as provided under paragraphs (a)(1) and (a)(2) of this section, such grapes shall meet the minimum grade and size requirements of U.S. No. 1 Table, or U.S. No. 1 Institutional, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.880 through 51.913) (Standards), or shall meet all the requirements of U.S. No. 1 Institutional with the exception of the tolerance percentage for bunch size. Such tolerance shall be 33 percent instead of 8 percent as is required to meet U.S. No. 1 Institutional grade. Grapes meeting these quality requirements may be marked "DGAC No. 1 Institutional" but shall not be marked "Institutional Pack."

(1) Grapes of the Perlette variety shall meet the minimum berry size requirement of ten-sixteenths of an inch;

(2) Grapes of the Flame Seedless variety shall meet the minimum berry size requirement of ten-sixteenths of an inch; shall be considered mature if the juice contains not less than 15 percent soluble solids and the soluble solids are equal to or in excess of 20 parts to every part acid contained in the juice in accordance with applicable sampling and testing procedures specified in sections 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of the California Administrative Code [Title 3].

(b) *Container and pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of sections 1380.19(14),

1436.37, and 1436.38 of the California Administrative Code (Title 3):

(i) Sawdust pack with inside dimensions of $7\frac{3}{4} \times 14\frac{15}{16} \times 18\frac{5}{8}$ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of $6\frac{3}{4} \times 12\frac{1}{2} \times 15\frac{3}{8}$ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of $4\frac{1}{2}$ to $8\frac{1}{2}$ (inside) $13\frac{1}{2}$ to $14\frac{1}{2}$ (outside) $\times 16\frac{5}{8}$ to $17\frac{1}{2}$ (outside); specified as container 38K;

(iv) Polystyrene lug with inside dimensions of $6\frac{3}{4}$ or $8\frac{1}{4} \times 11\frac{1}{2} \times 18\frac{1}{8}$ inches, specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 inches (inside) $\times 15\frac{3}{4}$ (outside) $\times 19\frac{11}{16}$ (outside), specified as container 38R;

(vi) Grape lug with dimensions in inches of 5 to 9 inches (inside) $\times 11\frac{1}{16}$ to 12 (outside) $\times 19\frac{11}{16}$ to 20 (outside), specified as container 38S;

(vii) Grape lug with dimensions in inches of $6\frac{5}{8}$ to $7\frac{1}{2}$ (inside) $\times 13\frac{3}{8}$ (outside) $\times 15\frac{7}{8}$ (outside), specified as container 38T;

(viii) Containers with a net weight of 5 kilograms (approximately 11 pounds) shall be for export only.

(ix) Such other types and sizes of containers as may be approved by the committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, or packed in bags or wrapped in plastic or paper, and experimental containers, shall be 20 pounds based on the average net weight of grapes in a representative sample of containers. Containers of grapes packed in bags or wrapped in plastic or paper prior to being placed in these containers shall meet a minimum net weight requirement of 18 pounds.

(3) Such containers of grapes shall be plainly marked with the minimum net weight of grapes contained therein (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the shipper.

(4) Such containers of grapes shall be plainly marked with the lot stamp

number corresponding to the lot inspection conducted by an authorized inspector, except that such requirement shall not apply to containers in the center tier of a lot palletized in a 3 box by a 3 box pallet configuration.

(c) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and variety of grapes, and such other information as may be needed by the committee to carry out these provisions; (2) each container of organically grown grapes bears the words “organically grown” on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), and (c) of this section if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(e) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing or repacking grapes on any Saturday or Sunday, or on the Memorial Day or Independence Day holidays of each year, may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

(f) Certain maturity, container, and pack requirements cited in this regulation are specified in the California Administrative Code (Title 3) and are in-

corporated by reference. Copies of such requirements are available from Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20090-6456, telephone (202) 720-2491. They are also available for inspection at the office of the Federal Register Information Center, 800 North Capitol Street, NW., suite 700, Washington, DC 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they existed on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER.

(g) The Federal or Federal-State Inspection Service, F&V, AMS, USDA, is the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes grown in the production area. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspections and certification of fresh fruits, vegetables, and other products (7 CFR part 51); except that all persons who request such inspection and certification must provide adequate facilities in which the inspections may be conducted and also provide the necessary equipment and incidental supplies that are considered as standard requirements for providing fresh inspection under Federal or Federal-State inspection procedures.

[51 FR 12501, Apr. 11, 1986, as amended at 51 FR 13209, Apr. 18, 1986; 51 FR 16285, May 2, 1986; 52 FR 20383, June 1, 1987; 52 FR 24444, July 1, 1987; 53 FR 22128, June 14, 1988; 58 FR 21536, Apr. 22, 1993; 59 FR 67619, Dec. 30, 1994; 61 FR 11129, Mar. 19, 1996; 61 FR 14013, Mar. 29, 1996]

EDITORIAL NOTE: After January 1, 1979 “Budget of Expenses and Rate of Assessment” regulations (e.g. sections .200 through .299) and “Handling” regulations (e.g. sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the “List of CFR Sections Affected” in the Finding Aids section of this volume.